

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MANUEL RODGERS-CASTILLO,

Plaintiff,

v.

ALLEN, *et al.*,

Defendants.

Case No. 1:25-cv-00623-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

Doc. 26

Plaintiff Manuel Rodgers-Castillo is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff and Milton Rodgers-Castillo initiated this action jointly on March 12, 2025, while both were in custody. Doc. 1. Following Milton Rodgers-Castillo's release from custody, the assigned magistrate judge ordered plaintiff and Milton Rodgers-Castillo to show cause why this action should not be severed pursuant to Federal Rule of Civil Procedure 21. Doc. 18. Having considered the parties' response to the order to show cause, Doc. 22, the magistrate judge issued an order on May 27, 2025, finding that the action should be severed based on the procedural problems faced by an action brought by an in-custody plaintiff and an out-of-custody plaintiff, and the Court's inability to determine whether the complaint stated any cognizable claims as to either plaintiff. Doc. 23. The magistrate judge directed that the action be severed,

1 that each plaintiff proceed with their own action, and that each plaintiff file an amended
2 complaint or a notice of voluntary dismissal in their own action within thirty days. *Id.* at 5–6.
3 Plaintiff was explicitly warned that failure to comply with the Court’s order would result in
4 dismissal of plaintiff’s individual action. *Id.* at 6.

5 Plaintiff did not file an amended complaint or otherwise communicate with the Court. *See*
6 docket. Therefore, on July 15, 2025, the magistrate judge issued findings and recommendations
7 to dismiss this action, with prejudice, for failure to state a claim, failure to obey a court order, and
8 failure to prosecute. Doc. 26. Those findings and recommendations were served on plaintiff and
9 contained notice that any objections thereto were to be filed within fourteen days after service.
10 *Id.* at 5. Plaintiff did not file objections to the findings and recommendations and the time to do
11 so has passed. *See* docket.

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
13 novo review of the case. Having carefully reviewed the file, the Court finds that the conclusion
14 that this action should be dismissed due to plaintiff’s failure to obey a court order and failure to
15 prosecute is supported by the record and by proper analysis.

16 Accordingly:

- 17 1. The findings and recommendations issued on July 15, 2025, Doc. 26, are adopted
18 as set forth above;
- 19 2. This action is dismissed, without prejudice, due to plaintiff’s failure to obey a
20 court order and failure to prosecute; and
- 21 3. The Clerk of this Court is directed to close this case.

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24 IT IS SO ORDERED.

25 Dated: September 13, 2025

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UNITED STATES DISTRICT JUDGE